

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
AUGUST 12, 2020**

**TECHNICAL
DIFFICULTIES
5:40 PM**

20 minutes prior to the meeting, it was discovered that we were having technical difficulties with the software WebEx used for the teleconference meeting. We immediately updated the website to notify the public of the technical difficulties and posted we would update it as soon as possible. It was determined that an attendee id was needed, which we posted on the website as soon as possible, along with notifying every person who had called the office. Time was allowed for people to join. Once all board members, applicant and technicians, and a number of the public had joined the meeting, and all phone calls had been returned, the meeting began.

**CALL TO ORDER
6:25 PM**

A meeting of the Flathead County Planning Board was called to order at approximately 6:25 p.m., remotely via WebEx. Board members present were Dean Sirucek, Greg Stevens, Jeff Larsen, Elliot Adams, and Kevin Lake. Mike Horn joined the meeting at 6:26 pm. Ron Schlegel and Sandra Nogal had an excused absence. Jim Thompson had an unexcused absence. Laura Mooney represented the Flathead County Planning & Zoning Office.

There were 5 members of the public in attendance.

**APPROVAL OF
MEETING
MINUTES
6:26 PM**

Larsen discussed that there had been a public comment received on the minutes for July 8, 2020, specifically pertaining to Mare Lane Estates FZC-20-09. The board noted the public concern but forwarded it on to the Commissioners.

Stevens made a motion, seconded by Sirucek, to approve the July 8, 2020 meeting minutes.

Adams pointed out that, in the previous minutes, Ron Schlegel was mentioned as making a motion and he was not present. The board secretary made note that it would be amended.

Horn joined the meeting at 6:26 pm.

Motion to accept the minutes, as amended, passed a 5-0 roll call vote. Horn abstained.

**DISCLOSURE OF
ANY CONFLICT
OF INTERESTS
6:28 PM**

None

**BOARD
ANNOUNCEMENTS
6:28 PM**

Larsen announced that two of the originally scheduled files had been postponed at the request of the applicants. Board secretary confirmed that they had been rescheduled to the September 9, 2020 Planning Board meeting, which they were trying to schedule at the Flathead County Fairgrounds.

Larsen asked that they have more comfortable chairs available for the board if they meet at the Fairgrounds.

Sirucek noted a grammatical error on the agenda and acknowledged that the file was FPP-20-14 and not FPP-20-09 as listed. It was noted on the record and continued to proceed with the meeting.

**AMENDED PLAT
OF LOT 4 OF
RIVER VISTA
(FPP-20-14)
6:31 PM**

A request from Paul & Vicki Brown, with technical assistance from Sands Surveying, Inc. for preliminary plat approval of the Amended Plat of Lot 4 of River Vista, a proposal to create 2 residential lots on 12.001 acres. The property is located at 332 Wagner Lane, near Kalispell, MT. The proposal would be served by a shared well and individual septic systems and primary access to each lot would be from Lower Valley Road and directly from Wagner Lane.

**STAFF REPORT
6:31 PM**

Laura Mooney reviewed staff report FPP-20-14 for the board.

**BOARD
QUESTIONS
6:35 PM**

Stevens asked who submitted the letter of opposition. Staff replied that it was from Larry and Kari Windnagle.

**APPLICANT
PRESENTATION
6:36 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, explained the proposal and the history behind the River Vista Subdivision. With that application, the developer relocated and reconstructed Wagner Lane. It was built to county standard. The applicants would be splitting their property and having access directly to that. Wagner Lane would be considered a local road at this time as it dead ends north of this property at the Flathead River. The property was not zoned but there were CC&Rs which stated lots 1-4 can be re-subdivided provided that they met a minimum of 5 acre minimum lot size. Those covenant revisions were approved by the [HOA] in 2019, where the majority of the owners had approved that. They had looked into the ground water, with both the original River Vista [Subdivision] and the consulting engineers looked at the project for the proposed use, and have found that it met the requirements of the DEQ.

**BOARD
QUESTIONS
6:38 PM**

Sirucek asked Mulcahy to confirm the minimum lot acreage proposed. There was one minimum lot size of 4.4 acres, which was less than the 5.5 acre minimum. Mulcahy explained that the gross acreage was 5.00. He stated that,

generally speaking, they looked at gross acreage in compliance. Larsen said that was how they looked at it in zoning as well and said it was fine.

**AGENCY
COMMENTS**
6:39 PM

There were no public agencies present to comment. They were reviewed during the staff report.

**PUBLIC
COMMENT**
6:40 PM

Larry Windnagle, 353 Wagner Lane, had questions about future subdivisions on the land. He wondered if people would be able to gift acreage to someone in their family once the plot was subdivided.

Larsen said they would not be able to do a family transfer within a subdivision. It had to be tract land.

**APPLICANT
REBUTTAL/
COMMENTS**
6:41 PM

None

**STAFF
REBUTTAL/
COMMENTS**
6:41 PM

None

**BOARD
QUESTIONS**
6:41 PM

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-20-14)**
6:42 PM

Stevens made a motion, seconded by Sirucek, to adopt staff report FPP-20-14 as findings of fact.

**BOARD
DISCUSSION**
6:42 PM

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-20-14)**
6:42 PM

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-20-14)
6:43 PM**

Stevens made a motion, seconded by Horn, to recommend approval of FPP-20-14 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:43 PM**

Stevens wanted to note that he had heard the consideration from the public comment, which was in opposition because the proposal may draw up land prices. When reviewing a subdivision, his primary concern was health, safety, and general welfare. He was a former real estate appraiser in the state of Montana and, in his experience, he did not believe the two lot subdivision was going to drive up the property values. He wanted the Windnagles to hear that their concern had been considered.

Larsen asked Larry what he wanted to share.

Larry said that he was concerned about the technical issues and people not being able to get onto the call. There were other people which had communicated to him that they were going to call and it seemed like he was the only one who made it through. He was concerned over the technical inability to get on as they were planning on, there might be another option.

The board secretary did note on the record that there were 3 other members of the public that were on the call but had not identified themselves.

Larsen understood that there were difficulties getting on. He wondered if the Commissioners would have a public hearing on a subdivision. They normally did not have a hearing for a subdivision but Larsen wondered if it was something they could ask for since they had technical difficulties on this hearing and asked the board secretary if they could do that

[You can hear the secretary asking her supervisor if that was a possibility]. She relayed the message that they could request it but they did not normally do such thing.

Mulcahy mentioned that the Commissioners had a time for public comments every morning, where the public could speak on any matter. For 15 minutes, at that appointed time, people could speak on any item that was going to be on any agenda at any point in time. If they had something that they wanted to say to the Commissioners, they had the ability to do so any morning that they had an agenda. Larsen agreed that was a good process.

Stevens said, for the benefit of the concerned public, the main concerns for subdivisions were health, safety, and general welfare for everyone in the county. For a two lot subdivision, like this, which had the conditions met with

minimal impact on the road, he did not foresee any health, safety, and general welfare considerations that would allow the county commissioners to deny a two lot subdivision. The popularity of the subdivision is not an issue. What was an issue was the health and safety of the subdivision and if they can comply with the subdivision regulations.

Larsen said Mulcahy was correct, they could speak to the Commissioners every morning during public comment. We can request having a public hearing at their level. Whether they would consider it or not was up to them.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-14)
6:50 PM**

The motion passed unanimously on a roll call vote.

**PUBLIC
COMMENT
(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)
6:51 PM**

Allison Vick, 590 Sullivan XRD., commented on how she had difficulty logging into the teleconference call. She had called the Planning Office and received a personal call back asking if she had been able to connect to the meeting. She was looking at the website and noted that it said we were having technical difficulties and that it would be updated....She said it would be helpful, for all the other people, if the passcode that was given to her personally would be put on the website. She was sure there were a lot of people who were looking at the "we will update" and thinking that the meeting hadn't even started and she wondered if it would be possible for the IT person to do that.

The board secretary had noted that it was updated a while ago, prior to the start of the meeting. If the page is refreshed, she would be able to see that there was an attendee number password. We did try to call everyone back who had tried to call in to the office as well.

Vick said she appreciated the information and had not refreshed the page.

**OLD BUSINESS
6:53 PM**

None

**NEW BUSINESS
6:53 PM**

None

**ADJOURNMENT
6:53 PM**

The meeting was adjourned on a motion by Sirucek and Larsen at approximately 6:53 p.m. The next meeting will be held September 9, 2020.



Jeff Larsen, Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 99 /20